

**54-8b-15 Universal Public Telecommunications Service Support Fund -- Established.**

- (1) For purposes of this section:
  - (a) "Basic telephone service" means local exchange service and may include such other functions and elements, if any, as the commission determines to be eligible for support by the fund.
  - (b) "Fund" means the Universal Public Telecommunications Service Support Fund established in this section.
- (2) The commission shall establish an expendable special revenue fund known as the "Universal Public Telecommunications Service Support Fund," which is to be implemented by January 1, 1998.
- (3) The commission shall:
  - (a) institute a proceeding within 30 days of the effective date of this section to establish rules governing the administration of the fund; and
  - (b) issue those rules by October 1, 1997.
- (4) The rules in Subsection (3) shall be consistent with the Federal Telecommunications Act.
- (5) Operation of the fund shall be nondiscriminatory and competitively and technologically neutral in the collection and distribution of funds, neither providing a competitive advantage for, nor imposing a competitive disadvantage upon, any telecommunications provider operating in the state.
- (6) The fund shall be designed to:
  - (a) promote equitable cost recovery of basic telephone service through the imposition of just and reasonable rates for telecommunications access and usage; and
  - (b) preserve and promote universal service within the state by ensuring that customers have access to affordable basic telephone service.
- (7) To the extent not funded by a federal universal service fund or other federal jurisdictional revenues, the fund shall be used to defray the costs, as determined by the commission, of any qualifying telecommunications corporation in providing public telecommunications services to:
  - (a) customers that qualify for a commission-approved lifeline program; and
  - (b) customers, where the basic telephone service rate considered affordable by the commission in a particular geographic area is less than the costs, as determined by the commission for that geographic area, of basic telephone service.
- (8) The fund shall be portable among qualifying telecommunications corporations. Requirements to qualify for funds under this section shall be defined by rules established by the commission.
- (9) As necessary to accomplish the purposes of this section, the fund shall provide a mechanism for specific, predictable, and sufficient funds in addition to those provided under the federal universal service fund.
- (10)
  - (a) Subject to Subsection (10)(b):
    - (i) each telecommunications corporation that provides intrastate public telecommunication service shall contribute to the fund on an equitable and nondiscriminatory basis;
    - (ii) for purposes of funding the fund, the commission shall have the authority to require all corporations that provide intrastate telecommunication services in this state to contribute money to the fund through explicit charges determined by the commission;
    - (iii) any charge described in Subsection (10)(a)(ii) may not apply to wholesale services, including access and interconnection; and
    - (iv) charges associated with being a provider of public telecommunications service shall be in the form of end-user surcharges applied to intrastate retail rates.

- (b) A telecommunications corporation that provides mobile telecommunications service shall contribute to the fund only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.
- (11) Nothing in this section shall be construed to enlarge or reduce the commission's jurisdiction or authority, as provided in other provisions of this title.
- (12) Any telecommunications corporation failing to make contributions to this fund or failing to comply with the directives of the commission concerning its books, records, or other information required to administer this section shall be subject to applicable penalties.
- (13) The commission shall have a bill prepared for the 1998 General Session of the Legislature to place in statute as much of the regulation implemented by rule pursuant to the act the commission believes is practicable.

Amended by Chapter 400, 2013 General Session